IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 365 of 2004(R)

PETITIONER:

C.M.MOHAMMED, MANAGING PARTNER,
NATIONAL RUBBER MILLS, NATTAKOM, KOTTAYAM.

BY ADV. SRI.SEBASTIAN DAVIS

RESPONDENTS:
----

1. THE DEPUTY CHIEF ENGINEER,
K.S.E.B.ELECTRICAL CIRCLE, KOTTAYAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
K.S.E.B. ELECTRICAL MAJOR SECTION, PALLAM.

3. THE ASSISTANT ENGINEER,
ELECTRCAL SECTION, K.S.E.B. PALLAM.

4. THE SUB ENGINEER,
ELECTRCIAL SECTION, K.S.E.B. PALLAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 365/2004 R

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE MAHAZAR DT. 28/10/03 BY R4.

EXT.P2. COPY OF THE ELECTRICITY BILL FOR CONSUMER NO. 1985 DT. 29/10/03.

EXT.P3. COPY OF THE ELECTRICITY BILL FOR CONSUMER NO. 1985 A DT. 29/10/03.

EXT.P4. COPY OF THE AGREEMENT OF LEASE DT.1/8/03.

EXT.P5. COPY OF THE REPRESENTATION DT. 31/10/2003 FILED BEFORE THE MINISTER FOR ELECTRICITY.

EXT.P6. COPY OF THE APPEAL DT. 17/11/2003 FILED BEFORE THE R1.

EXT.P7. COPY OF THE AFFIDAVIT DT. 27/11/03 FILED BEFORE THE R1.

EXT.P8. COPY OF THE PETITIOND T. 27/11/03 FILED BEFORE THE R2 ALONG WITH AFFIDAVIT & WITNESS LIST.

EXT.P9. COPY OF THE ORDER DT. 15/12/03 BY THE R1.

EXT.P10. COPY OF THE ELECTRICITY BILL DT. 19/12/03 RELATING TO CON. NO. 1985.

EXT.P11. COPY OF THE ELECTRICITY BILL DT. 19/12/03 RELATING TO CON. NO. 1985 A.

EXT.P12. COPY OF THE GOVT. NOTIFICATION DT. 23/08/2003.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 365 OF 2004

Dated this the 22nd day of June, 2007.

J U D G M E N T

Challenge is on Exhibit P9 order passed by the first respondent-Appellate Authority. The issue pertains to the proceedings initiated against the petitioner on the ground of misuse of energy. Though the learned counsel for the petitioner vehemently contended that the whole question was a stage managed show for ulterior motives, in the nature of the grievance now pressed before me, it is not necessary to go into the contentions.

2. The main grievance is on Exhibit P8 petition filed before the first respondent with regard to quantification of energy during disputed period, which has not been properly considered. It is also submitted that the petitioner did not get sufficient opportunity to adduce materials regarding the assessment of the energy for the disputed period. In the above circumstances, this writ petition is disposed of as follows.

There will be a direction to the first respondent to give fresh opportunity to the petitioner to produce materials on his appeal

regarding the assessment during the disputed period. Thereafter, first respondent will pass fresh orders. The whole process shall be completed within a period of four months from the date of production of a copy of this judgment. In order to enable the first respondent to pass orders as above, Exhibit P9 is quashed clarifying that the scope of examination is only with regard to the assessment of energy during the disputed period. Further proceedings pursuant to the impugned demands will be deferred till such time.

KURIAN JOSEPH, JUDGE.

smp